

No. 9/5/84-Lab/6514.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s. H. P. Industries, Delhi Dharuhera Road, Rewari.

IN THE COURT OF SHRI R. N. SINGAL, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD

Reference No. 19 of 1982

between

SHRI MURLI KUMAR JHA, WORKMAN AND THE RESPONDENT-MANAGEMENT
OF M/S H. P. INDUSTRIES, DELHI DHARUHERA ROAD, REWARI

Present :

Shri Shardha Nand, for the workman.

Shri M. P. Gupta, for the respondent-management.

AWARD

This reference has been referred to this court by the Hon'ble Governor of Haryana,—vide his order No. ID/GGN/64/81/2826, dated 15th January, 1982 under section 10 (i) (c) of the Industrial Disputes Act, 1947 for adjudication of the Industrial disputes existing between Shri Murli Kumar Jha, workman and the respondent-management of M/s. H. P. Industries, Delhi Dharuhera Road, Rewari. The term of the reference was:—

Whether the termination of service of Shri Murli Kumar Jha, workman was justified and in order? If not, to what relief is he entitled?

According to the claim statement the workman, was appointed on 18th May, 1979 as Spinner at Rs. 275 per month. He was dismissed w. e. f. 23rd October, 1980. without holding any enquiry. It is alleged that the order of termination is illegal and unjustified.

The management in their written statement has alleged that the services were terminated after enquiry and if this court find that the enquiry is held the management be given opportunity to lead evidence.

The reference was contested on the following issue:—

1. As per reference?

I have heard representative of both the parties and gone through the evidence on record. My findings on the issue is as under:—

Issue No. 1 :

It is admitted by the management that the workman has been reinstated on 3rd November, 1982. It is further admitted that no enquiry was held. Hence there is no evidence that the services of the workman were validly terminated. The provision of section 25-F of the Industrial Disputes Act, 1947 were not complied with before terminating the services of the workman. Hence the order of terminating dated 13th December, 1980 of the claimant is illegal and invalid. I, therefore, give the award that the workman is entitled to reinstatement with continuity of service and with full back wages.

Dated 29th August, 1984.

R. N. SINGAL,
Presiding Officer,
Labour Court, Faridabad.

Endorsement No. 1881, dated the 6th September, 1984

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Department, Chandigarh as required under Section 15 of the I.D. Act.

R. N. SINGAL,
Presiding Officer,
Labour Court, Faridabad.